

Exhibit D



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May 31, 2022

Peter Schwingler
Stinson LLP
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Re: *In re Pork Antitrust Litig.*, No. 18-cv-01776 (D. Minn.)
Response to Letter dated May 18, 2022

Dear Counsel:

The Consumer Indirect Purchaser Plaintiffs have reviewed your letter dated May 18, 2022 contending that CIPP's motion for class certification contains two factual errors regarding Seaboard.

First, Seaboard contends that on page 5 of the class certification brief, CIIPs incorrectly stated that Seaboard reduced its sow herd by 30,000 sows. The documentary evidence supporting CIIP's claim are found in Exhibit 3 (discussing an announced reduction by "SFD") and Exhibit 4 (announcing the reduction Seaboard's partner, Triumph). Seaboard contends that the SFD identified in Exhibit 3 is Smithfield. Seaboard does not address Exhibit 4. Upon further review, CIIPs agree that Exhibit 3 may reference Smithfield. On reply, CIIPs will clarify their initial statement regarding Exhibits 3 and 4. This should resolve the issue.

Second, Seaboard contends that on page 17, CIIPs were incorrect in stating that an "[a]nalysis by *Seaboard* showed daily kill for deanonymized plants using Agri Stats." Seaboard notes that the cover email with the report was sent by a Triumph employee. This email – which was sent in advance of a Seaboard/Triumph meeting regarding Agri Stats – was sent to Seaboard employees (and executive officers), including: Damon Ginther, Gary Louis, Duke Sand, Kevin Smith, Josh Stewart, and Danny Walker. On reply, CIIPs will include the cover email and provide the additional clarification that Seaboard relied on Triumph to deanonymize the Agri Stats reports and used these reports during Seaboard's meetings.

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Finally, to the extent that Seaboard believes that it is relevant that Mr. England characterized his effort to deanonymize the Agri Stats reports as “guesswork,” Seaboard may raise that argument in the opposition brief. CIIPs will respond in their reply.

We believe this will resolve the issues without burdening the Court with new filings.

Best regards,

HAGENS BERMAN SOBOL SHAPIRO LLP

/s/Shana E. Scarlett

Shana E. Scarlett
Partner

SES:mb